

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)

YOUNG BROTHERS, LIMITED )

DOCKET NO. 2006-0120

For Approval of Tariff Change to )  
Eliminate Less Than Container Load )  
Service to and from Kahului Harbor )  
on the Island of Maui. )  
Transmittal No. 06-0001. )

ORDER NO. 22463

Filed May 11, 2006  
At 11:15 o'clock A.M.

Karen Higashi  
Chief Clerk of the Commission

ATTEST: A True Copy  
KAREN HIGASHI  
Chief Clerk, Public Utilities  
Commission, State of Hawaii.

K. Higashi

RECEIVED  
2006 MAY 12 A 9:14  
PUBLIC UTILITIES COMMISSION  
STATE OF HAWAII

In the Matter of the Application of)  
YOUNG BROTHERS, LIMITED )  
For Approval of Tariff Change to )  
Eliminate Less Than Container Load )  
Service to and from Kahului Harbor )  
on the Island of Maui. )  
Transmittal No. 06-0001. )

Order No. 22463

<sup>1</sup>Transmittal No. 06-0001, Application for Approval of Tariff Change to Eliminate Less Than Container Load Service to and from Kahului Harbor on the Island of Maui; Exhibits YB-Ex-1 to YB-Ex-12; Verification; and Certificate of Service, filed on April 13, 2006; see also Amended Certificate of Service, filed on April 17, 2006 (collectively, "Transmittal No. 06-0001").

Department of Commerce and Consumer Affairs, Division of Consumer Advocacy ("Consumer Advocate").<sup>2</sup> Concomitantly, the commission, on its own motion, finds it prudent to name the HAWAII TRANSPORTATION ASSOCIATION ("HTA") and WESTERN MOTOR TARIFF BUREAU, INC. ("WMTB") as participants in this proceeding, to provide information that will assist the commission in its investigation of Transmittal No. 06-0001, and in developing a sound record.<sup>3</sup> Specifically, HTA and WMTB may be able to provide the commission with information as to the availability of freight forwarders/consolidators on all affected islands, in the event Young Brothers is allowed to discontinue providing less than container load service to and from Kahului Harbor.

Within thirty (30) days from the date of this Order, the Parties and Participants shall submit to the commission a stipulated prehearing order that is reflective of the commission's intention to schedule the public hearings and evidentiary hearing on the dates tentatively identified by the commission in Section II of this Order below.

## I.

### Background

Young Brothers is a water carrier authorized to transport property by barge between the islands of Oahu, Hawaii,

---

<sup>2</sup>The Consumer Advocate is an *ex officio* party to this proceeding. See HAR § 6-61-62(a). See also Hawaii Revised Statutes ("HRS") § 269-51. Young Brothers and the Consumer Advocate are collectively referred to as the "Parties."

<sup>3</sup>HTA and WMTB are collectively referred to as the "Participants."

Kauai, Maui, Molokai, and Lanai. The shipment of goods under its regulated water carrier service is governed by its Local Freight Tariff No. 5-A ("Tariff 5-A"), which includes the: (1) commodity rates; (2) sailing schedules for all port destinations; and (3) general rules applicable to all shipments. Presently, there are twelve (12) scheduled departures weekly from Honolulu serving the ports of Hilo and Kawaihae on the island of Hawaii, Kahului on Maui, Kaunakakai on Molokai, Kaunapali on Lanai, and Nawiliwili on Kauai.

Young Brothers currently consolidates and deconsolidates cargo at the harbors for shippers that do not place their cargo in containers. Such non-containerized cargo is commonly known as less than container load ("LCL") cargo. Presently, LCL cargo constitutes approximately twenty-three percent (23%) of Young Brothers' total cargo volume at Kahului Harbor.

On April 17, 2006, Young Brothers filed its Transmittal No. 06-0001, seeking the commission's approval to amend its Tariff No. 5-A by: (1) discontinuing LCL service and rates for the transportation of cargo to or from Kahului Harbor; (2) making other tariff changes to effectuate this proposed discontinuance of LCL service; and (3) making certain other tariff changes for clarity purposes.<sup>4</sup>

Young Brothers proposes to discontinue LCL service to and from Kahului Harbor in order to address the critical shortage

---

<sup>4</sup>Young Brothers served copies of its transmittal upon: (1) the Consumer Advocate; and (2) the respective mayors of the City and County of Honolulu and the Counties of Hawaii, Kauai, and Maui.

of harbor space, made more evident in light of the future commencement of water carrier service operations by the Hawaii Superferry in 2007.<sup>5</sup> As explained by Young Brothers:

To address the critical shortage of harbor space and the critical allocation of YB's harbor space to the Hawaii Superferry in 2007, and following the lead and recommendation of the DOT (see DOT's February 2006 Letter (YB-Ex-1), YB proposes to eliminate, effective as of January 1, 2007, its practice of consolidating and deconsolidating cargo on its remaining operational space at Kahului Harbor (utilized under a revocable permit and a wharfage fee arrangement with the DOT). Accordingly, YB seeks [commission] approval to amend its Local Freight Tariff 5-A to essentially eliminate reference to LCL service and LCL rates for the transportation of cargo to or from Kahului Harbor (while leaving references to LCL service and LCL rates to and from the ports of Hilo and Kawaihae on the island of Hawaii, Nawiliwili on Kauai, Kaunakakai on Molokai, and Kaunapali on Lanai unchanged). The proposed tariff amendment is reproduced in the attached exhibit as **YB-Ex-12**, which includes a Table of Proposed Amendments describing each change in more detail.

Generally, the proposed tariff amendment deletes rates for LCL shipments to and from Kahului Harbor. A new Rule 23 (Acceptance at or Delivery to Maui County Kahului Port) provides that only one (1) cargo carried in containers or vans or on flatracks or platforms, (2) automobiles, trucks, and other roll-on/roll-off equipment ("**RO/RO**"), (3) canoes, and (4) livestock will be accepted at or delivered to Kahului Harbor. With prior arrangements, YB will continue to ship other pieces of cargo to and from Kahului Harbor. To provide clarity and where appropriate, the new Rule 23 is cited on revised

---

<sup>5</sup>Young Brothers states that it has been working with the state Department of Transportation ("DOT") "to address critical shortages of harbor space at many of the State's harbor facilities in which YB operates." YB's Transmittal No. 06-0001, at 2. "[T]he critical shortage of harbor space is currently more acute at Pier 2 of Kahului Harbor, being an undersized pier and the island of Maui's only site for receiving and sending inter-island cargo." Id. at 3.

commodity rate pages. Other minor editorial revisions are proposed to lend further clarity.

YB's Transmittal No. 06-0001, at 5 (boldface and italics in original) (emphasis added).<sup>6</sup>

Young Brothers, in seeking to discontinue LCL service to and from Kahului Harbor, concurs with the DOT's assessment that the consolidation/deconsolidation function is not an essential or priority harbor task, and instead, can be performed outside of Kahului Harbor. In this regard, Young Brothers explains:

**Generally.** First, this change means that consolidation and deconsolidation of LCL cargo bound for or leaving Maui will occur at an offsite location away from DOT-owned harbor property. Several motor carriers unrelated to Young Brothers are or will be available as consolidators/freight forwarders. Such consolidators/freight forwarders would consolidate LCL cargo into containers at offsite locations, or directly from LCL shippers, and transport full containers to the pier. In addition, these consolidators/freight forwarders would pick up full containers offloaded from a barge at the pier and transport such containers to an offsite location, deconsolidate the containerized cargo for persons receiving LCL shipments and/or transport the cargo to its ultimate destination. These consolidators/freight forwarders include certain motor carriers that subscribe to the local and joint freight tariffs of the Western Motor Tariff Bureau, Inc. ("**WMTB**"), as well as others that file tariffs independently. Letters from interested motor carriers are collectively attached as **YB-Ex-9**.

Second, it must be noted that there are both costs and benefits to this change. With respect

---

<sup>6</sup>A copy of the first two (2) pages of YB-Ex-12, consisting of YB's Table of Proposed Amendments, is attached to this Order. The tariff changes proposed by Young Brothers will "affect[] only those LCL shipments bound for or leaving Kahului Harbor; YB will continue to consolidate and deconsolidate LCL cargo bound for or leaving other YB ports of call." YB's Transmittal No. 06-0001, at 19.

to cost, certain types of LCL shippers will likely find that freight forwarders charge higher rates for consolidation/deconsolidation than Young Brothers currently charges. However, these same shippers will have the benefit of a more efficient cargo transportation system and will not have to deal with traffic congestion and waiting periods that are presently experienced by shippers that bring LCL cargo to YB's consolidation sheds at the harbor (which will be greatly exacerbated if the consolidation/deconsolidation function remains on Pier 2 space following the reduction of YB operating space). These shippers will not only avoid the time and cost of transporting LCL cargo to the pier, they will also avoid the cost and expense of picking up LCL cargo at the receiving pier, as a freight forwarder could arrange for cargo to be taken point-to-point.

YB's Transmittal No. 06-0001, at 20 (boldface in original) (emphasis added).<sup>7</sup>

Young Brothers: (1) submits its transmittal in accordance with HRS §§ 271G-16 and 271G-17, and HAR §§ 6-61-94, 6-65-5, and 6-65-30; and (2) proposes an effective date of January 1, 2007. While Young Brothers does not seek to eliminate LCL service to and from Kahului Harbor until the proposed effective date of January 1, 2007, it requests commission action approving its transmittal no later than June 1, 2006, in order to implement a smooth transition with minimal disruption to affected

---

<sup>7</sup>YB-Ex-9 consists of letters from four (4) freight forwarders/consolidators supporting the commission's approval of YB Transmittal No. 06-0001. Each freight forwarder/consolidator notes that they "intend to stand ready to perform consolidation and deconsolidation services for Young Brothers' current 'less than container load' customers by the first quarter of calendar year 2007." See Honolulu Freight Service's letter, dated April 10, 2006, at 1; Unicold Corporation's letter, dated April 10, 2006, at 1; Island Movers, Inc.'s letter, dated April 10, 2006, at 1; and DHX's letter, dated April 13, 2006, at 1. See also United Rim Transport, Inc.'s letter, dated April 14, 2006.

LCL shippers.<sup>8</sup> In the alternative, in the event the commission suspends Young Brothers' transmittal, Young Brothers requests that "a hearing be scheduled at the earliest date that would be convenient for the Commission, keeping in mind the period of transition necessary to avoid delays in cargo transportation to and from the island of Maui."<sup>9</sup>

## II.

### Discussion

HRS § 271G-16 provides in pertinent part:

**Rates, fares and charges of common carriers by water.** (a) It shall be the duty of every water carrier of passengers . . . .

(b) It shall be the duty of every water carrier of property to provide safe and adequate service, equipment, and facilities for the transportation of property and to establish, observe, and enforce just and reasonable rates, charges, and classifications, and just and reasonable regulations and practices relating thereto, and to the manner and method of presenting, marking, packing, and delivering property for transportation, the facilities for transportation, and all other matters relating to or connected with the transportation of property.

(c) All charges made for any service rendered by any water carrier in the transportation of passengers or property or in connection therewith shall be just and reasonable, and every unjust and unreasonable charge for such service or any part thereof, is prohibited and declared to be unlawful. It shall be unlawful for any water carrier to make, give, or cause any undue or unreasonable preference or advantage to any particular person, locality, region, district, island, or description of traffic, in any respect whatsoever; or to subject any particular person, locality, region, district, island, or description

---

<sup>8</sup>See YB's Transmittal No. 06-0001, at 5 - 6, 26 - 28, and 31.

<sup>9</sup>YB's Transmittal No. 06-0001, at 31.



of traffic to any unjust discrimination or undue or unreasonable prejudice or disadvantage in any respect whatsoever; provided that this subsection shall not be construed to apply to discrimination, prejudice, or disadvantage to the traffic of any other carrier of whatever description.

(d) Any person or body politic may make complaint in writing to the commission that any such rate, fare, charge, rule, regulation, or practice, in effect or proposed to be put into effect, is or will be in violation of this section. Whenever, after hearing, upon complaint or in an investigation on its own initiative, the commission shall be of the opinion that any individual rate, fare, or charge, demand, charged, or collected by any common carrier or carriers by water for transportation, or any rule, regulation, or practice whatsoever of the carrier or carriers affecting such rate, fare, or charge or the value of the service thereunder, is or will be unjust or unreasonable, or unjustly discriminatory or unduly preferential or unduly prejudicial, it shall determine and prescribe the lawful rate, fare, or charge or the maximum or minimum or maximum and minimum rate, fare, or charge thereafter to be observed, or the lawful rule, regulation, or practice thereafter to be made effective.

(e) In the exercise of its power to prescribe just and reasonable rates, fares, and charges for the transportation of passengers or property by water carriers, and to prescribe classifications, regulations, and practices relating thereto, the commission shall give due consideration, among other factors, to the effect of rates upon the movement of traffic by the carrier or carriers for which the rates are prescribed; to the need, in the public interest, of adequate and efficient transportation service by the carriers at the lowest cost consistent with the furnishing of the service; and to the need of revenues sufficient to enable the carriers, under honest, economical, and efficient management, to provide the service.

(f) Nothing in this section shall be held to extinguish any remedy or right of action not inconsistent herewith.

HRS § 271G-16 (boldface in original) (emphasis added).

HRS § 271G-17 states in respective part:

**Tariffs of water carriers.** (a) Every water carrier shall file with the public utilities

commission, and print, and keep open to public inspection, tariffs showing all the rates, fares, and charges for transportation, and all services in connection therewith, of passengers or property. The rates, fares, and charges shall be stated in terms of lawful money of the United States. The tariffs required by this section shall be published, filed, and posted in such form and manner, and shall contain such information as the commission by regulations shall prescribe; and the commission may reject any tariff filed with it which is not in consonance with this section and with the regulations. Any tariff so rejected by the commission shall be void and its use shall be unlawful.

(b) No change shall be made in any rate, fare, charge, or classification, or any rule, regulation, or practice affecting the rate, fare, charge, or classification, or the value of the service thereunder, specified in any effective tariff of a water carrier, except after forty-five days' notice of the proposed change filed and posted in accordance with subsection (a)[.] . . . The notice shall plainly state the change proposed to be made and the time when it will take effect. The commission may in its discretion and for good cause shown allow the change upon notice less than that herein specified or modify the requirements of this section with respect to posting and filing of tariffs either in particular instances or by general order applicable to special or peculiar circumstances or conditions.

(c) No water carrier shall engage in the transportation of passengers or property unless the rates, fares, and charges upon which the same are transported by the carrier have been filed and published in accordance with this chapter.

(d) Whenever there is filed with the commission any schedule stating a new rate, fare, or charge, for the transportation of passengers or property by a water carrier or any rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, the carrier may on its own initiative, or shall by order of the commission served prior to the effective date of the schedule, concurrently file a pro forma statement of account which shall be prepared under the same form and in the same manner as prescribed by the commission's uniform system of accounts.

The commission may upon complaint of any interested person or upon its own initiative at once and, if it so orders, without answer or other

formal pleading by the interested carrier or carriers, but upon reasonable notice, enter upon a hearing concerning the lawfulness of the rate, fare, or charge, or the rule, regulation, or practice, and pending the hearing and the decision thereon the commission, by delivering to the carrier or carriers affected thereby a statement in writing of its reasons therefor, may suspend the operation of the schedule and defer the use of the rate, fare, or charge, or the rule, regulation or practice. From the date of ordering a hearing to investigate the lawfulness of the rate, fare, or charge, the commission shall have up to six months to complete its investigation. If the commission fails to issue a final order within the six-month period then the changes proposed by the carrier shall go into effect. At any hearing involving a change in a rate, fare, charge, or classification, or in a rule, regulation, or practice, the burden of proof shall be upon the carrier to show that the proposed changed rate, fare, charge, classification, rule, regulation, or practice, is just and reasonable.

(e) When a rate increase application is filed, . . . .

HRS § 271G-17 (boldface in original) (emphasis added). See also HAR §§ 6-61-94 (water carrier tariff changes); 6-65-5 (water carrier tariff change - posting); and 6-65-30 (water carrier tariff changes or revisions).

HAR § 6-65-40, governing the suspension and investigation of tariff changes proposed by a water carrier, provides in pertinent part:

(a) Upon the filing of a tariff or tariff change, the commission may:

- (1) Allow the tariff or tariff change, or any portion thereof, to take effect forty-five days after publication, filing, and posting of the proposed tariff or tariff change have all been completed, in accordance with this chapter; or
- (2) Suspend the operation of the tariff or tariff change, or any portion thereof, for investigation. The commission may schedule and conduct a hearing to aid in its investigation of the justness and

reasonableness of the proposed tariff or tariff change.

. . . . .

(c) A tariff suspension ordered by the commission may not exceed six months from the date of the issuance of the commission's order suspending the operation of the tariff. The tariff or tariff change will take effect, if the commission fails to issue a final order within the six-month period.

HAR § 6-65-40 (emphasis added).

The tariff changes proposed by Transmittal No. 06-0001, if allowed to take effect by the commission, will effectively: (1) discontinue LCL service to and from Kahului Harbor, the sole port of call for Young Brothers on the island of Maui; and (2) mandate that shippers consolidate and deconsolidate their cargo outside of the harbor, for shipments to and from Kahului Harbor. Young Brothers' proposals, in essence, raise matters that merit further review under HRS §§ 271G-16 and 271G-17.

Accordingly, consistent with HRS § 271G-17(d) and HAR § 6-65-40, the commission will: (1) suspend Transmittal No. 06-0001 for a maximum period of up to six (6) months from the date of this Order; and (2) open an investigation to examine the merits of Transmittal No. 06-0001.

Interested persons will have the opportunity to file, within twenty (20) days from the date of this Order, motions to intervene or participate in the commission's investigation, pursuant to HAR § 6-61-57(3)(B).<sup>10</sup> Concomitantly, the commission,

---

<sup>10</sup>HAR § 6-61-57(3)(B) provides in part that a motion to intervene or participate shall be filed within "[t]wenty days after the commission orders an investigation including an investigation of a tariff change[.]"

on its own motion, finds it prudent to name HTA and WMTB as participants in this proceeding, to provide information that will assist the commission in its investigation of Transmittal No. 06-0001, and in developing a sound record. Specifically, HTA and WMTB may be able to provide the commission with information as to the availability of freight forwarders/consolidators on all affected islands, in the event Young Brothers is allowed to discontinue providing LCL service to and from Kahului Harbor.<sup>11</sup>

Lastly, within thirty (30) days from the date of this Order, the Parties and Participants shall submit to the commission a stipulated prehearing order that is reflective of the commission's intention to schedule the following in the time frame listed: (1) June 2006, public hearings on the island of Hawaii (Hilo and Kailua-Kona);<sup>12</sup> (2) July 2006, public hearings on the islands of Kauai, Lanai, Maui, Molokai, and Oahu; and (3) September 21 - 22, 25 - 26, 2006, evidentiary hearing.<sup>13</sup>

---

<sup>11</sup>See HAR § 6-61-56(a) (participation in a proceeding only to the degree ordered by the commission).

<sup>12</sup>The commission's preference is that the public hearings on the island of Hawaii coincide with the public hearings to be held by the commission in Docket No. 05-0315, In re Hawaii Elec. Light Co., Inc. (Hawaii Electric Light Company, Inc.'s 2006 calendar test year rate case).

<sup>13</sup>In the event intervenor or participant status is later granted to any interested person, the commission will amend the procedural schedule accordingly, if necessary.

### III.

#### Orders

##### THE COMMISSION ORDERS:

1. Young Brothers' Transmittal No. 06-0001, filed on April 17, 2006, is suspended for a maximum period of up to six (6) months from the date of this Order, and an investigation is instituted to examine the merits of Young Brothers' transmittal.


2. Any interested person seeking to intervene or participate in this proceeding shall file a timely motion with the commission within twenty (20) days from the date of this Order, pursuant to HAR § 6-61-57(3)(B), with copies served on Young Brothers and the Consumer Advocate. Motions to intervene or participate shall comply with the applicable requirements of HAR §§ 6-61-55 and 6-61-56 of the commission's *Rules of Practice and Procedure*.

3. HTA and WMTB are named as participants in this proceeding, to provide information that will assist the commission in its investigation of Transmittal No. 06-0001, and in developing a sound record.

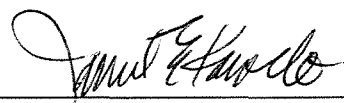
4. Within thirty (30) days from the date of this Order, the Parties and Participants shall submit to the commission a stipulated prehearing order that is reflective of the commission's intention to schedule the public hearings and evidentiary hearing on the dates tentatively identified by the commission in Section II of this Order above.

DONE at Honolulu, Hawaii MAY 11 2006.


PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By (EXCUSED)  
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Michael Azama  
Commission Counsel

yb.suspension.sl

**PROPOSED TARIFF AMENDMENTS**  
**Table of Proposed Amendments**  
**Proposed Amended Tariff Sheets**

**Table of Proposed Amendments**

<b>TARIFF PAGE</b>	<b>DESCRIPTION OF CHANGE</b>
Title Page	Deleted notation with respect to a prior general rate increase.
1A	Check sheet revised to reflect proposed amendments
8	Table of Contents revised to reflect new Rule No. 23
14	Made editorial revision to <b>Rule No. 11 (Application of Rates: Automobile – Truck – RO/RO Equipment), clause B.</b>  Revised <b>Rule No. 12 (Application of Palletized Cargo Rates), first paragraph</b> , to reflect non-acceptance of palletized loads to or from Maui County Kahului port and to cite new Rule No. 23.
15	Revised <b>Rule No. 20 (Acceptance of Shipment for Transportation), first paragraph</b> , to add citation to new Rule No. 23.
16	Added <b>new Rule No. 23 (Acceptance at or Delivery to Maui County Kahului Port)</b> to explain types of acceptable types of shipment to or from Kahului Port, Maui County.  Clarified <b>Rule No. 35 (Booking of Shipments), second paragraph</b> , that all cargo not requiring advance booking must still conform to the Rules and Regulations of the tariff (to cover situations that may arise at Maui County Kahului port because of non-acceptance of LCL shipments).
29	Deleted limitation to only “valuable, frail or fragile” items in <b>Rule No. 160 (Special Loading and Unloading Equipment), clause B</b> , to cover <i>any</i> item that may require special handling at other than Carrier’s regular facilities (to allow for situations that may arise at Maui County Kahului port because of non-acceptance of less than container load shipments).
30	Made grammatical and editorial revisions to <b>Rule No. 165 (Shipper’s Load and Count)</b> for ease of reading.
43	<b>Commodity Rate Item No. BE (Beer and Beverages):</b> Deleted rate for LCL shipments to Maui County Kahului port under <b>clause A</b> and added new <b>Note 6</b> to cite new Rule No. 23.
44	<b>Commodity Rate Item No. CE (Cement):</b> Deleted rates for LCL shipments to Maui County Kahului port under <b>clauses A and B</b> ; added new <b>Note 10</b> to cite new Rule No. 23.



TARIFF PAGE	DESCRIPTION OF CHANGE
45	<b>Commodity Rate Item No. CP (Concrete Products):</b> Added new <b>Note 5</b> to cite new Rule No. 23.
46	<b>Commodity Rate Item No. GC (Cargo, N.O.S.):</b> Deleted rate for palletized shipments to Maui County Kahului port under <b>clause B</b> ; added new <b>Note 10</b> to cite new Rule No. 23.
49	<b>Commodity Rate Item No. FB (Fiberboard, K.D.):</b> Deleted rate for palletized shipment to Maui County Kahului port; added new <b>Note 2</b> to cite new Rule No. 23.
50	<b>Commodity Rate Item No. HA (Hazardous and other Regulated Materials):</b> Deleted rate for LCL shipment to Maui County Kahului port under <b>clause A.3</b> ; added new <b>Note 9</b> to cite to new Rule No. 23.
51	<b>Commodity Rate Item No. IS (Iron and Steel):</b> Added new <b>Note 3</b> to cite to new Rule No. 23.
53	<b>Commodity Rate Item No. LU,PW (Lumber, Plywood):</b> Deleted rates for LCL shipments to Maui County Kahului port under <b>Lumber, clause A, and Plywood, clause A.</b>
54	<b>Commodity Rate Item No. MC (Motorcycle):</b> Deleted rate for shipment of motorcycle in or on shipping device and forkliftable under <b>clause A</b> (leaving only shipment of motorcycle in 20-foot container) to Maui County Kahului port; added new <b>Note 6</b> to cite to new Rule No. 23.
55	<b>Commodity Rate Item No. PP (Pipe):</b> Added new <b>Note 3</b> to cite to new Rule No. 23.
57	<b>Commodity Rate Item No. RF (Refrigerated Cargo):</b> Deleted rates for LCL shipments to Maui County Kahului port under <b>clauses A and B</b> ; revised note citations under <b>clause D</b> (deleted citation to Note 9) and revised <b>Notes 7 and 8</b> to avoid confusion between volume discounts provided under <b>clause D</b> and volume discounts provided under <b>Commodity Rate Item No. DC.</b>

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22463 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

JOHN E. COLE  
EXECUTIVE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
DIVISION OF CONSUMER ADVOCACY  
P. O. Box 541  
Honolulu, HI 96809

ROY CATALANI  
VICE PRESIDENT, STRATEGIC PLANNING  
AND GOVERNMENT AFFAIRS  
YOUNG BROTHERS, LIMITED  
Pier 40, P. O. Box 3288  
Honolulu, HI 96801

ROBERT E. LEWIS  
WESTERN MOTOR TARIFF BUREAU, INC.  
P. O. Box 30268  
Honolulu, HI 96820

GARETH K. SAKAKIDA  
MANAGING DIRECTOR  
HAWAII TRANSPORTATION ASSOCIATION  
P. O. Box 30166  
Honolulu, HI 96820

  
\_\_\_\_\_  
Karen Higashi

DATED: MAY 11 2006